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MEMORANDUM FOR:

Legislation Division
Office of Congressional Affairs

FROM:

Lee S. Strickland
Information & Privacy Coordinator

SUBJECT:

Stilwell Report

REFERENCE:

OCA 86-2503

1. Thank you for sending the latest version of Section VII of the subject report. With the elimination of the part concerning the Privacy Act, OIS has no objections although our prior observations as to other provisions remain valid.

2. For your information, I am attaching a copy of "OIS Comments On The Stilwell Report," OIS*503*86, dated 31 July 1986, which provides OIS comments on other sections of the Report which affect OIS equities.

3. If there should be any questions, please do not hesitate to contact me on secure

Lee S. Strickland

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Central Intelligence Agency



Washington, D.C. 20505

UIS-221-16

13 JUN 1986

Mr. Steven Garfinkel
Director, Information Security
Oversight Office (Z)
General Services Administration
18th & F Streets, N.W.
Washington, DC 20405

Dear Mr. Garfinkel:

This addresses the Agency's concerns regarding three of the thirteen information security initiatives recommended to the National Security Council (NSC) by the Information Security Oversight Office (ISOO). As you know, the Agency supports your efforts to strengthen the information security system. However, we want to ensure that our objections to elements of Initiative Nos. 1, 3, and 13 are a matter of record and that they are known to the NSC. We advised you of these concerns during the discussions that took place in October 1985 but will now restate our position on these issues.

Initiative No. 1 proposes the establishment of minimum requirements for the mandatory training of original and derivative classifiers. The practical effect of the mandatory training requirement would be to give ISOO the charter to determine who in each agency would have classification authority. Insofar as this Agency is concerned, the authority to decide who should or should not be permitted to make CIA classification decisions must remain with the Director of Central Intelligence.

Initiative No. 3 proposes that Federal employees and contractors be required to report or challenge classification actions that they believe to be incorrect. Since virtually any classification discrepancy, no matter how minor, would have to be reported, this initiative could create an administrative burden of major proportions. Moreover, it is patently unfair to hold employees at risk of censure for failing to report an opinion, particularly when the reporting employee's opinion would be, in many cases, less informed than that of the originator.

Initiative No. 13 proposes that ISOO ask the President to call upon the Attorney General to review and revise existing guidelines on the investigation of unauthorized disclosures. ISOO's Annual Report describes this initiative as a means of increasing the number of successful prosecutions or administrative actions brought against those guilty of leaking classified information. We vigorously support criminal prosecutions of unauthorized disclosures in those cases where prosecution would not compromise national security. As written, however, this proposal fails to recognize that national security equities rather than criminal prosecution must be the driving force behind an unauthorized disclosures investigation.

Again, I commend your efforts to improve the system and share your desire to increase the knowledge and personal accountability of the people who are entrusted with making the information security system work.

Sincerely,

William F. Donnelly
Deputy Director
for
Administration

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